

Exhibit 330

(Filed Under Seal)

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Page 1

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3

4 IN RE NAMENDA DIRECT)
5 PURCHASER ANTITRUST) Civil Action No.
6 LITIGATION) 1:15-cv-07488-CM
7

8
9 SUN PHARMACEUTICAL INDUSTRIES, INC.

10 TWO INDEPENDENCE WAY
11 PRINCETON, NEW JERSEY 08540

12 AUGUST 31, 2017
13 9:21 A.M.

14
15 *****HIGHLY CONFIDENTIAL*****

16 VIDEOTAPED
17 RULE 30(b) (6) DEPOSITION

18 OF
19 SUN PHARMACEUTICAL INDUSTRIES, INC.
20 BY AND THROUGH ITS DESIGNEE
21 BHARATI NADKARNI, PH.D. (TECH)

22
23 REPORTED BY:
24 DEBRA SAPIO LYONS, RDR, CRR, CRC, CCR, CLR, CPE
25 JOB NO. NY 2677298

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<p style="text-align: right;">Page 46</p> <p>1 generic memantine; correct?</p> <p>2 A. Yes.</p> <p>3 Q. If you could direct your</p> <p>4 attention to the attachments to the letter,</p> <p>5 specifically the settlement agreement and</p> <p>6 the licensing agreement. For the</p> <p>7 settlement agreement if you could turn to</p> <p>8 Page 9.</p> <p>9 A. (The witness complies with the</p> <p>10 request of counsel.)</p> <p>11 Q. So there's multiple Page 9s</p> <p>12 because there's different signature pages</p> <p>13 for each. If you could turn to the Page 9</p> <p>14 that has Sun Pharmaceutical Industry</p> <p>15 Limited's signature.</p> <p>16 Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. [REDACTED]</p> <p>[REDACTED]</p> <p>24 Q. Is this a complete and accurate</p> <p>25 copy of the settlement agreement that Sun</p>	<p style="text-align: right;">Page 48</p> <p>1 its generic memantine ANDA on May 5th,</p> <p>2 2010; correct?</p> <p>3 A. Yes.</p> <p>4 MR. BAVE: The court</p> <p>5 reporter will hand you Sun</p> <p>6 Exhibit 7 which has Document Number</p> <p>7 SUN0007329.</p> <p>8 (Exhibit Sun-7, letter</p> <p>9 bearing Bates Numbers SUN0007329</p> <p>10 through SUN0007332, is marked for</p> <p>11 identification.)</p> <p>12 THE WITNESS: (Reviewing</p> <p>13 document.)</p> <p>14 BY MR. BAVE:</p> <p>15 Q. Ready?</p> <p>16 A. Yes.</p> <p>17 Q. This is a May 5th, 2010 letter</p> <p>18 from the FDA granting final approval of</p> <p>19 Sun's ANDA for generic memantine; correct?</p> <p>20 A. Yes.</p> <p>21 MR. CHIOREAN: Objection,</p> <p>22 form.</p> <p>23 BY MR. BAVE:</p> <p>24 Q. The letter notes that it's</p> <p>25 backdated to May 5th, 2010 because of a</p>
<p style="text-align: right;">Page 47</p> <p>1 entered into with Forest for the generic</p> <p>2 memantine litigation?</p> <p>3 A. Yes.</p> <p>4 Q. If you could turn to the</p> <p>5 signature pages of the licensing</p> <p>6 agreement --</p> <p>7 A. (The witness complies with the</p> <p>8 request of counsel.)</p> <p>9 Q. -- which is on Page 14, Sun's</p> <p>10 signature.</p> <p>11 A. (The witness complies with the</p> <p>12 request of counsel.)</p> <p>13 Q. [REDACTED]</p> <p>[REDACTED]</p> <p>17 Q. And is this a true and accurate</p> <p>18 copy of the licensing agreement between Sun</p> <p>19 and Forest?</p> <p>20 A. Yes.</p> <p>21 Q. You can put that document aside,</p> <p>22 but keep it handy because we'll come back</p> <p>23 to it. Okay?</p> <p>24 A. Sure.</p> <p>25 Q. Sun received final approval for</p>	<p style="text-align: right;">Page 49</p> <p>1 minor change to the Sun entity on the</p> <p>2 letter; correct?</p> <p>3 A. Yes.</p> <p>4 Q. Was this letter received and</p> <p>5 maintained in the normal course of business</p> <p>6 at Sun?</p> <p>7 A. Yes.</p> <p>8 Q. If you look to the first page in</p> <p>9 the fourth paragraph, it reads, "We have</p> <p>10 completed the review of this ANDA and have</p> <p>11 concluded that adequate information has</p> <p>12 been presented to demonstrate that the drug</p> <p>13 is safe and effective for use as</p> <p>14 recommended in the submitted labeling.</p> <p>15 Accordingly, the ANDA is approved,</p> <p>16 effective on the date of this letter."</p> <p>17 Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. And you understand that although</p> <p>20 the letter was backdated, the operative</p> <p>21 date is May 5th, 2010?</p> <p>22 A. Yes.</p> <p>23 Q. If you turn to Page 2, the last</p> <p>24 sentence of the first full paragraph reads,</p> <p>25 "You also notified the agency that Forest</p>

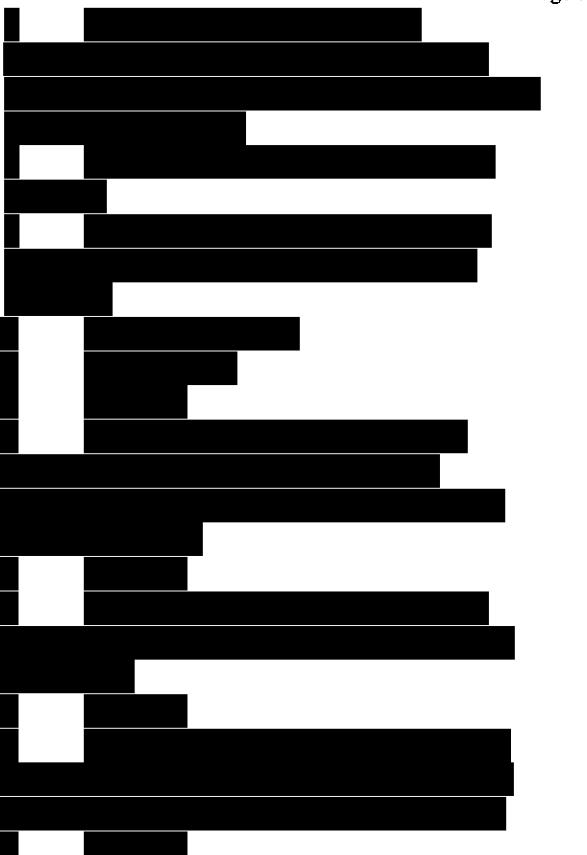
13 (Pages 46 - 49)

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<p>1 A. I don't really understand this.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>8 MR. CHIOREAN: Objection to</p> <p>9 form.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>12 BY MR. BAVE:</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p style="text-align: right;">Page 62</p> <p>1 language includes extensions for pediatric 2 exclusivity whether granted before, on, or 3 after the execution date.</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. You understand that it provides 7 for pediatric exclusivity in the future 8 after the date of the settlement; correct?</p> <p>9 A. That's right.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>14 MR. CHIOREAN: Objection, 15 form, foundation.</p> <p>[REDACTED]</p> <p>17 BY MR. BAVE:</p> <p>18 Q. Sun actually launched its 19 generic memantine product; correct?</p> <p>20 A. Yes.</p> <p>21 Q. Sun launched on the first day 22 that generics could enter the market on 23 July 11th, 2015; correct?</p> <p>24 A. I think it would be right to say 25 that Sun launched on the day that Sun was</p>
<p>1 MR. CHIOREAN: Objection, 2 form, misstates the law.</p> <p>[REDACTED]</p> <p>4 BY MR. BAVE:</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>10 MR. LEFKOWITZ: Objection to</p> <p>11 the form.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>14 BY MR. BAVE:</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>19 MR. LEFKOWITZ: Objection, 20 calls for speculation.</p> <p>21 THE WITNESS: [REDACTED]</p> <p>[REDACTED]</p> <p>23 BY MR. BAVE:</p> <p>24 Q. If you look at Provision 1.12, 25 the launch date, you'll notice that the</p>	<p style="text-align: right;">Page 63</p> <p>1 allowed under the agreement with Forest. 2 Q. And that was July 11th, 2015; 3 correct?</p> <p>4 A. Yes.</p> <p>5 MR. BAVE: The court 6 reporter is going to hand you 7 what's being marked Sun Exhibit 9, 8 which is Document Number 9 SUN0007310.</p> <p>10 (Exhibit Sun-9, e-mail 11 correspondence bearing Bates 12 Numbers SUN0007310 through 13 SUN0007312, is marked for 14 identification.)</p> <p>15 THE WITNESS: (Reviewing 16 document.)</p> <p>17 BY MR. BAVE:</p> <p>18 Q. Ready?</p> <p>19 A. Yes.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>24 Do you see that?</p> <p>25 A. Yes.</p>

17 (Pages 62 - 65)

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<p>1 Q. Do you see that you're one of 2 the recipients of the e-mail? 3 A. Yes. 4 Q. Did you receive this e-mail on 5 or about July 14th, 2015? 6 A. Yes. 7 Q. Did you receive this in the 8 normal course of your job responsibilities 9 at Sun? 10 A. Yes. 11 Q. In this e-mail he indicates that 12 the actual launch date was July 11, 2015. 13 Do you see that? 14 A. Yes. 15 Q. If I could direct your attention 16 to the second e-mail in time, which is from 17 Ashish Paliwal, do you see that? 18 A. Yes. 19 Q. Who is Ashish Paliwal at this 20 time? What position did he hold? 21 A. I don't remember what position.</p>	<p style="text-align: right;">Page 66</p>  <p style="text-align: right;">Page 68</p>  <p style="text-align: right;">Page 67</p>  <p style="text-align: right;">Page 69</p> 
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	Page 70	1 [REDACTED]
1		[REDACTED]
2		[REDACTED]
3		[REDACTED]
4		[REDACTED]
5		[REDACTED]
6		[REDACTED]
7		[REDACTED]
8		[REDACTED]
9		[REDACTED]
10		[REDACTED]
11		[REDACTED]
12		[REDACTED]
13		[REDACTED]
14	BY MR. BAVE:	[REDACTED]
15		[REDACTED]
16		[REDACTED]
17		[REDACTED]
18		[REDACTED]
19		[REDACTED]
20		[REDACTED]
21	A. Yes.	[REDACTED]
22	Q. Did you receive this e-mail on	[REDACTED]
23	or about April 1st, 2015?	[REDACTED]
24	A. Yes.	[REDACTED]
25	Q. Did you receive it in the normal	[REDACTED]
	Page 71	
1	course of your job responsibilities at Sun?	[REDACTED]
2	A. Yes.	[REDACTED]
3	Q. This is an e-mail chain	[REDACTED]
4	discussing the status of the generic	[REDACTED]
5	memantine launch; correct?	[REDACTED]
6	A. Yes.	[REDACTED]
7	Q. And this is sent about a little	[REDACTED]
8	over three months before the actual launch	[REDACTED]
9	date; is that right?	[REDACTED]
10	A. Yes.	[REDACTED]
11		[REDACTED]
12		[REDACTED]
13		[REDACTED]
14		[REDACTED]
15		[REDACTED]
16		[REDACTED]
17		[REDACTED]
18		[REDACTED]
19		[REDACTED]
20		[REDACTED]
21		[REDACTED]
22		[REDACTED]
23		[REDACTED]
24	Do you see that?	[REDACTED]
25	A. Yes.	[REDACTED]
	Page 72	
1		[REDACTED]
2		[REDACTED]
3		[REDACTED]
4		[REDACTED]
5		[REDACTED]
6		[REDACTED]
7		[REDACTED]
8		[REDACTED]
9		[REDACTED]
10		[REDACTED]
11		[REDACTED]
12		[REDACTED]
13		[REDACTED]
14		[REDACTED]
15		[REDACTED]
16		[REDACTED]
17		[REDACTED]
18		[REDACTED]
19		[REDACTED]
20		[REDACTED]
21		[REDACTED]
22		[REDACTED]
23		[REDACTED]
24		[REDACTED]
25		[REDACTED]
	Page 73	
1		[REDACTED]
2		[REDACTED]
3		[REDACTED]
4		[REDACTED]
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18		[REDACTED]
19		[REDACTED]
20		[REDACTED]
21		[REDACTED]
22		[REDACTED]
23		[REDACTED]
24		[REDACTED]
25		[REDACTED]

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<p style="text-align: right;">Page 130</p> <p>1 other generic memantine manufacturers?</p> <p>2 A. No.</p> <p>3 Q. Are you aware of any individuals</p> <p>4 at Sun that communicated with the other</p> <p>5 generic manufacturers about the terms of</p> <p>6 Sun's patent settlement with Forest?</p> <p>7 A. No.</p> <p>8 Q. Did anyone at Sun disclose the</p> <p>9 terms of the settlement with Forest to</p> <p>10 other generic manufacturers?</p> <p>11 A. No.</p> <p>12 Q. At no time during those</p> <p>13 negotiations did Sun communicate with any</p> <p>14 of the other generic defendants concerning</p> <p>15 the settlement agreement; right?</p> <p>16 A. We did not.</p> <p>17 Q. To your knowledge, before</p> <p>18 entering the settlement agreement, did</p> <p>19 Forest ever provide copies of its</p> <p>20 settlement agreements with the other</p> <p>21 generics to Sun?</p> <p>22 A. No.</p> <p>23 Q. And at no time after Sun had</p> <p>24 executed the settlement agreement did Sun</p> <p>25 communicate with the other generics about</p>	<p style="text-align: right;">Page 132</p> <p>1 (A recess is held from</p> <p>2 11:47 p.m. to 12:04 p.m.)</p> <p>3 THE VIDEOGRAPHER: On the</p> <p>4 record. 12:04.</p> <p>5 BY MS. HENNINGS:</p> <p>6 Q. Good afternoon, Dr. Nadkarni.</p> <p>7 My name is Kimberly Hennings and</p> <p>8 I represent the direct purchaser</p> <p>9 plaintiffs. I'm going to be asking you</p> <p>10 some more questions.</p> <p>11 A. Good afternoon.</p> <p>12 Q. Before we start, I'd like to</p> <p>13 briefly go through your educational</p> <p>14 background. Do you have an undergraduate</p> <p>15 degree?</p> <p>16 A. Yes.</p> <p>17 Q. And what is that degree in?</p> <p>18 A. Pharmacy.</p> <p>19 Q. And where did you obtain that</p> <p>20 degree?</p> <p>21 A. University of Mumbai.</p> <p>22 Q. Do you have any graduate</p> <p>23 degrees?</p> <p>24 A. Yes.</p> <p>25 Q. And what are those degrees?</p>
<p style="text-align: right;">Page 131</p> <p>1 the terms of the settlement agreement; is</p> <p>2 that right?</p> <p>3 A. We did not.</p> <p>4 MR. BAVE: Well, thank you</p> <p>5 very much. That's all the</p> <p>6 questions I have at this time. I'm</p> <p>7 reserving my right to ask a few</p> <p>8 more after the Plaintiffs go.</p> <p>9 THE WITNESS: Sure.</p> <p>10 MR. BAVE: Thank you. Why</p> <p>11 don't we go off the record?</p> <p>12 MR. LEFKOWITZ: Before we go</p> <p>13 off --</p> <p>14 THE VIDEOGRAPHER: Off the</p> <p>15 record 11 --</p> <p>16 MR. LEFKOWITZ: -- before we</p> <p>17 go off the record, I just want to,</p> <p>18 just given what -- the testimony, I</p> <p>19 want to make sure we note this as</p> <p>20 highly confidential.</p> <p>21 MR. BAVE: Sure. We have no</p> <p>22 problem with that.</p> <p>23 MR. LEFKOWITZ: Okay.</p> <p>24 THE VIDEOGRAPHER: Off the</p> <p>25 record 11:47.</p>	<p style="text-align: right;">Page 133</p> <p>1 A. A masters in pharmacy.</p> <p>2 Q. And where did you obtain that</p> <p>3 masters?</p> <p>4 A. Also from the University of</p> <p>5 Mumbai.</p> <p>6 Q. Do you have any other graduate</p> <p>7 degrees?</p> <p>8 A. I have a doctorate in pharmacy.</p> <p>9 Q. And where did you get that</p> <p>10 doctorate?</p> <p>11 A. University of Mumbai.</p> <p>12 Q. Any other degrees?</p> <p>13 A. No.</p> <p>14 Q. Are you an attorney?</p> <p>15 A. No.</p> <p>16 Q. Do you have any -- have you had</p> <p>17 any formal legal training?</p> <p>18 A. No.</p> <p>19 Q. Okay. I believe you said your</p> <p>20 current position is Vice-President for</p> <p>21 Portfolio Planning and IP Litigation; is</p> <p>22 that right?</p> <p>23 A. Yes.</p> <p>24 Q. Have you ever worked in</p> <p>25 Regulatory Affairs?</p>

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<p style="text-align: right;">Page 214</p> <p>1 from reading what it says here, I really 2 don't have a view on this because it just 3 says, [REDACTED] [REDACTED] so I don't know. 5 [REDACTED] [REDACTED] [REDACTED]</p> <p>10 MR. BAVE: Objection, lacks 11 foundation, calls for speculation. 12 [REDACTED] [REDACTED]</p> <p>15 BY MS. HENNINGS: 16 [REDACTED] [REDACTED] 19 [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p>	<p style="text-align: right;">Page 216</p> <p>1 THE WITNESS: Sure. 2 THE VIDEOGRAPHER: Off the 3 record. 2:02. 4 (A recess is held from 5 2:04 p.m. to 2:15 p.m.) 6 THE VIDEOGRAPHER: We're on 7 the record. 2:15. This is the 8 beginning of Tape Number 5. 9 BY MS. HENNINGS: 10 Q. Okay. I just have a few more 11 questions. So earlier we talked about all 12 the different steps that Sun takes when 13 it's getting ready to launch a product, 14 right, and all of the different teams that 15 Sun uses to get ready for launch; right? 16 A. Yes. 17 [REDACTED] [REDACTED] 21 [REDACTED] [REDACTED]</p>
<p style="text-align: right;">Page 215</p> <p>1 [REDACTED] [REDACTED] [REDACTED] 6 [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>11 MR. LEFKOWITZ: Objection, 12 lack of foundation. 13 MR. BAVE: Join. 14 [REDACTED] [REDACTED]</p> <p>17 BY MS. HENNINGS: 18 Q. Okay. You can put that aside. 19 A. (The witness complies with the 20 request of counsel.) 21 MS. HENNINGS: Let's take a 22 quick break so I can see if I have 23 anything else. 24 MR. LEFKOWITZ: That would 25 be great.</p>	<p style="text-align: right;">Page 217</p> <p>1 [REDACTED] 3 MR. BAVE: Objection, lacks 4 foundation, calls for speculation. 5 THE WITNESS: [REDACTED] 6 BY MS. HENNINGS: 7 [REDACTED] [REDACTED]</p> <p>10 MR. BAVE: Objection, lacks 11 foundation, calls for speculation. 12 THE WITNESS: [REDACTED] 13 BY MS. HENNINGS: 14 Q. [REDACTED] [REDACTED]</p> <p>17 MR. BAVE: Objection, lacks 18 foundation. 19 MR. LEFKOWITZ: Objection, 20 lacks foundation. 21 THE WITNESS: [REDACTED] 22 BY MS. HENNINGS: 23 Q. [REDACTED] [REDACTED]</p> <p>25 MR. BAVE: Objection, lacks</p>

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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